

## REMARKS

Claim 45 is rejected under Section 103, based on the combination of the Heo German reference and another reference. The Examiner suggests that the Heo reference has an effective date of March 1998. However, the effective date is later than the priority date of the parent of the present application. The parent was filed December 23, 1997.

The parent is now U.S. Patent No. 6,480,667 ('667 patent). It teaches everything that Heo is asserted to teach. A first device to receive a broadcast television program is taught in the parent patent. The video in 102 may be provided by a camera, a television signal, broadcast, cable, or satellite signals, or any other video playback device. See the '667 patent at column 2, lines 1-7.

Further, it is suggested that Heo teaches a second device coupled to the first device to detect a characteristic of said program. Column 5, lines 54-57 of the '667 patent points out that the record and playback system 100 is able to detect a black screen or a fade out such as those which accompany the beginning or end of a commercial and that such is useful in editing the video stream. Thus, as explained under the next section, editing, having the video stream stored on a random access storage unit allows for easy editing. The individual frames may be deleted or replaced. For example, a commercial may be replaced by a fade to black sequence. Then, at lines 64 through 67, it is explained that once the video stream on the storage device has been edited, it can be stored to a more permanent medium. Finally, a video recorder is provided in the cited reference for recording in response to the detection of the characteristic.

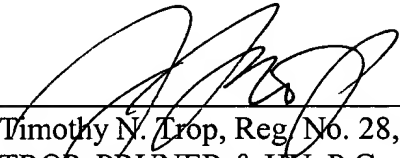
Thus, the detection of the fade out, for example, is a characteristic that defines the end of recording on one side and the beginning of recording on the other side of the commercial.

Since the pending application has a parent that teaches as much as the Heo reference teaches, but the present application has an earlier effective filing date, the Heo German publication cannot be prior art here.

In view of these remarks, reconsideration is respectfully requested.

Respectfully submitted,

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